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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

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7 ANGEL AGUILERA,
8 Plaintiff,
9 v.
10 C. E. DUCART, et al.,
11 Defendants.

Case No. [18-cv-03389-HSG](#)

**ORDER DENYING MOTION TO
DISMISS FIRST AMENDED
COMPLAINT AS PREMATURE;
GRANTING REQUEST FOR
SCREENING OF THE FIRST
AMENDED COMPLAINT**

Re: Dkt. No. 39

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14 Plaintiff, an inmate at Pelican Bay State Prison (“PBSP”) has filed a *pro se* action under 42
15 U.S.C. § 1983. On September 3, 2019, the Court denied defendants’ motion to dismiss the
16 excessive force claims against Defendants Molina, Hendrix, Gonzalez, and Vicks, but granted
17 defendants’ motion to dismiss the deliberate indifference to serious medical needs claim against
18 Defendant Ducart. Dkt. No. 37. The Court granted Plaintiff leave to amend his claim against
19 Defendant Ducart. *Id.* On September 30, 2019, plaintiff filed a first amended complaint. Dkt.
20 No. 38. Defendants have filed a motion to dismiss the first amended complaint and a request that
21 the Court screen the amended complaint pursuant to 28 U.S.C. § 1915A. Dkt. No. 39. The Court
22 GRANTS defendants’ request for screening pursuant to 28 U.S.C. § 1915A. The Court will
23 screen the amended complaint in a separate order. The Court DENIES as premature the motion to
24 dismiss the first amended complaint. The Court has not yet screened the first amended complaint
25 and identified the cognizable claims.

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1 This order terminates Dkt No. 39.

2 **IT IS SO ORDERED.**

3 Dated: 10/24/2019

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5 HAYWOOD S. GILLIAM, JR.
6 United States District Judge

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